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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,317	08/01/2003	Jason M. Cope	2002-017	5228
54472	7590	09/21/2005		
COATS & BENNETT/SONY ERICSSON 1400 CRESCENT GREEN SUITE 300 CARY, NC 27511			EXAMINER WARD, JOHN A	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/632,317

Applicant(s)

COPE, JASON M.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Asano (US 4,241,385).

Regarding claim 1, Asano ('385) discloses a car light with detachable plug having a first plug 23, a light source 26 connected the first plug, which attaches to the cigarette lighter of the vehicle (column 1, 30-33).

Although the Asano does not teach or suggest the method of providing illumination it is inherent since each limitation is met by the prior art.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Posses et al (US 5,903,135).

Regarding claim 16, Posses et al ('135) discloses a cellular telephone battery recharger device having a cable (figure 1), a first plug 3, second plug 4 and a light source 7 connected to the first plug.

Regarding claim 17, Posses et al shows a switch that is a play and record button (figure 3).

Although the Posses et al does not teach or suggest the method of providing illumination it is inherent since each limitation is met by the prior art.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Eisenbraun (US 6,551,142).

Regarding claim 1, Eisenbraun ('142) discloses a first plug 14, a light source 88 and the light source is connected to a power supply (column 4, lines 16-19).

Regarding claim 2, Eisenbraun disclose a switch 86.

Regarding claims 3 and 5, Eisenbraun teaches that the switch 86 is connected to the light source and the power supply (column 4, lines 16-19).

Regarding claims 4 and 5 Eisenbraun shows in figures 3 and 4 shows the switch and light source located on the first plug.

Regarding claim 6, Eisenbraun teaches that the light source is a light emitting diode (column 4, line 16).

Although the Eisenbraun does not teach or suggest the method of providing illumination it is inherent since each limitation is met by the prior art.

Claims 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Eisenbraun (US 6,551,142).

Regarding claim 8, Eisenbraun ('142) discloses a first plug 14, a light source 88 and the light source is connected to a power supply (column 4, lines 16-19).

Regarding claim 9, Eisenbraun disclose a switch 86.

Regarding claims 10 and 11, Eisenbraun teaches that the switch 86 as shown in figure 4 is a slide switch, is connected to the light source and the power supply on and off (column 4, lines 16-19).

Regarding claims 12 and 13 Eisenbraun shows in figures 3 and 4 shows the switch and light source located on the first plug.

Regarding claim 14, Eisenbraun teaches that the light source is a light emitting diode (column 4, line 16).

Although the Eisenbraun does not teach or suggest the method of providing illumination it is inherent since each limitation is met by the prior art.

Claims 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eisenbraun ('142).

Regarding claims 16 and 17, Eisenbraun discloses a vehicular cigarette lighter connector having a first plug 14, a second plug 20, and a cable, a light source 88 located on the first plug and activated by a switch 86.

Regarding claim 18, Eisenbraun teaches in column 4, lines 9-15 that the switch 86 connect the light source to a power supply.

Regarding claims 19 and 20, Eisenbraun teaches in column 4, lines 9-15 connects the switch on or off to the light source to internal power supply.

Although the Eisenbraun does not teach or suggest the method of providing illumination it is inherent since each limitation is met by the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenbraun ('142).

Regarding claims 7 and 15 Eisenbraun discloses all the limitations of the claimed invention, but does not disclose the light emitting diode having a white or blue color.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combined illuminated cord along with the light emitting diode and replace it with a white or blue light emitting diode, since applicant has not disclosed that using a white or blue light emitting diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally with a yellow or green light emitting diode.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenbraun ('142) as applied to claim 16 above, and further in view of Eisenbraun (US 5,690,509).

Regarding claim 21, Eisenbraun disclose all the limitations of the claimed invention but does not disclose the light source as being a light emitting diode.

Regarding claim 21, Eisenbraun discloses a lighted accessory power supply cord having a cable 20, a plug 14 and a light source 24 located on the inside of an adapter, wherein the light source is a light emitting diode (column 3, 22-25).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the lighted connector of Eisenbraun ('421) with the lighted accessory of Eisenbraun ('509) in order to provide a light source that is light eight and can stay illuminated for a long period of time.

Response to Arguments

Applicant's arguments filed April 22, 2005 have been fully considered but they are not persuasive. It has been held that the recitations that an element is "adapted to" perform a function is not a positive limitation, but only requires the ability to perform. It does not constitute a limitation in any patentable sense. **In re Hutchison, 69 USPQ 138.**

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JAW
September 19, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER